



STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

December 20, 2021

Via Electronic Mail Only

Anne Kelly, Chief Deputy Attorney General
New Mexico Attorney General Office
Email: akelly@nmag.gov

Re: Potential Criminal Transfer and Use Violation of Voter Data

Ms. Kelly:

The SOS is referring a criminal matter for investigation and prosecution related to an illegal transfer and use of voter data information pursuant to NMSA 1978, Section 1-4-5.6. It has come to our attention that a website maintained and operated by VoteRef.com has posted New Mexico voter data on its website obtained through a voter data request from our office. The voter data can be found on the following website, https://voteref.com/voters?state_name=New%20Mexico. The likely source of the voter data transfer is through David Michael Lippert at Local Labs, who was provided voter data in April of this year. We have attached our office's communication with Mr. Lippert regarding his voter data request. We believe that this data was illegally provided by Mr. Lippert or Local Labs to VoteRef.com and is being used against New Mexico state law. Swift action is needed as voter data can quickly be manipulated and used to spread election misinformation.

Facts

On or about April 15, 2021, our office provided Mike Lippert voter data. (**Exhibit A**, Com to Lippert). Mr. Lippert was provided the entire statewide voter file after he paid \$5,378.12 and signed a Voter Information Authorization Form swearing, they "will not use or make available to others to use the requested material for purposes other than governmental, election, research and campaign purposes under penalty of law." (**Exhibit B**, Signed Authorization Form). On or about December 15, 2021, our office was contacted regarding the publication of New Mexico voter data information on the website VoteRef.com. After some investigation, we believe VoteRef.com obtained this voter data information illegally from Mr. Lippert or Local Labs and posted it online. Upon inspection of the VoteRef.com's website code, it includes Local Labs as a code contributor. (**Exhibit C**, Screenshot of website code on VoteRef.com).

Criminal Violations

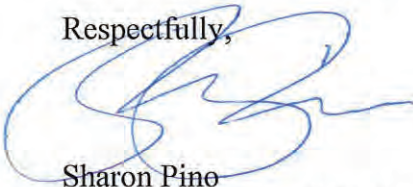
Pursuant to NMSA 1978, Section 1-4-5.5 (C): Each requester of voter data, mailing labels or special voter lists shall sign an affidavit that the voter data, mailing labels and special voter lists shall be used for governmental or election and election campaign purposes only and shall not be made available or used for unlawful purposes. "Election campaign purposes" means relating in any way to a campaign in an election conducted by a federal, state, or local government. § 1-4-5.5(E)(1). "Governmental purposes" means noncommercial purposes relating in any way to the structure, operation, or decision-making of a federal, state, or local government. § 1-4-5.5(E)(2). We do not believe providing this personal voter data on a private website that intends to spread misinformation about the 2020 General Election meets the definition of appropriate use as either for a "governmental purpose," "election related," or "election campaign purposes."

Pursuant to NMSA 1978, Section 1-4-5.6(B), any person, organization or corporation or agent, officer, representative or employee thereof who commits unlawful use of voter data, mailing labels or special voter lists is guilty of a fourth-degree felony and upon conviction shall be fined one hundred dollars (\$100) for each and every line of voter information that was unlawfully used. Unlawful use of voter data, mailing labels or special voter lists consists of the knowing and willful use of such information for purposes prohibited by the Voter Records System Act [Chapter 1, Article 5 NMSA 1978]. § 1-4-5.6(C). Additionally, NMSA 1978, Section 1-5-22(A), states and the Signed Authorization Form quotes that, "[u]nlawful disposition of voter file consists of the willful selling, loaning, providing access to or otherwise surrendering of the voter file, duplicates of the file or a part of the file by a data processor; a data processor's agent or employee; a state or county officer; or a state or county officer's deputy, assistant, employee or agent to anyone not authorized by the Voter Records System Act to have possession of the file."

Conclusion

Our office believes the transfer and publication of this voter data is in direct violation of the Election Code. We believe that both VoteRef.com and Local Labs have violated the prohibition against "providing" voter data by posting New Mexican's private voting information online, or in Local Labs case, providing the voter data to VoteRef.com. We also believe that VoteRef.com and Local Labs have illegally "used" this voter data by publishing it on VoteRef.com. If you need anything further from our office, please do not hesitate to contact us.

Respectfully,



Sharon Pino
Deputy Secretary of State

encl:

Exhibit A, Com. to Lippert from SOS re voter data request
Exhibit B, Signed Authorization Form
Exhibit C, Screenshot of website code from VoteRef.com

From: [Mike Lippert](#)
To: [Hutchison, Lauren, SOS](#)
Subject: Re: [EXT] Re: New Mexico Voter Data Request
Date: Wednesday, April 14, 2021 6:42:53 PM

It was today, 4/14/21 via credit card (had to do 3 different purchases with the \$2,500 limit, it was 2 x \$2,500 and one for the remaining \$378.12).

On Wed, Apr 14, 2021 at 11:11 AM Hutchison, Lauren, SOS
<Lauren.Hutchison@state.nm.us> wrote:

Hi Mike,

We can go into the system and check. I just need to know the date you deposited and the format. (i.e. e-check, debit card, etc.)

Thanks!



Lauren Hutchison | Compliance Officer

New Mexico Office of the Secretary of State

325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501

Desk: 505.231.5645

Lauren.Hutchison@state.nm.us

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From: Mike Lippert <mike.lippert@locallabs.com>

EXHIBIT A

Sent: Wednesday, April 14, 2021 9:10 AM
To: Hutchison, Lauren, SOS <Lauren.Hutchison@state.nm.us>
Subject: Re: [EXT] Re: New Mexico Voter Data Request

Hey Lauren,

Thanks so much -- I replenished my account with \$5,378.12, I'm not quite sure what else I need to do on the website, do I need to submit a request on here? I can't find anything.

My user id: dmlippert

E-mail on account: mike.lippert@locallabs.com

Name on account: David Lippert

My apologies for the confusion, would love some guidance.

Appreciate your time,

Mike

On Tue, Apr 13, 2021 at 3:13 PM Hutchison, Lauren, SOS
<Lauren.Hutchison@state.nm.us> wrote:

Hi Mike,

Per your request, I have retrieved 1,340,781 voter data history records from the 2020 Presidential Election. The cost for providing those records is \$5,378.12.

Voter data requests will incur the \$15 recording fee and cost per X number of records (\$4 per 1,000 records with voting history; \$3 per 1,000 records without voting history).
<https://www.sos.state.nm.us/voting-and-elections/data-and-maps/>.

If this cost is too high and you want to alter your request let me know and I can requote you. If you are ready to make payment you can send our office a check, money order, or

pay online.

Payment by credit card may be made in the following manner:

- Visit <https://portal.sos.state.nm.us/BFS/online/>
- Create a user account and log in
- Click the button "Replenish my Account"
- Select the option to pay with "desired amount"
- Enter and submit the payment information

If you pay online please notify me when you have submitted the online credit card payment and provide the Filer ID from your pre-paid account. Then I will apply that payment to your request and send you the data! If you pay by mail, then let me know and I'll watch for your payment and once received I'll send your data.

Please call me at 505-231-5645 if you require further assistance.

Thanks,



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Desk: 505.231.5645

Lauren.Hutchison@state.nm.us

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From: Mike lippert <mike.lippert@locallabs.com>
Sent: Tuesday, April 13, 2021 11:51 AM
To: Hutchison, Lauren, SOS <Lauren.Hutchison@state.nm.us>
Subject: Re: [EXT] Re: New Mexico Voter Data Request

No worries -- thanks for getting back to me!

Cheers,

Mike

On Tue, Apr 13, 2021 at 12:45 PM Hutchison, Lauren, SOS
<Lauren.Hutchison@state.nm.us> wrote:

Yes—I'm processing these this afternoon. I will have the quote for you by close of business.

Sorry for the delay!



Lauren Hutchison | Compliance Officer

New Mexico Office of the Secretary of State

325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501

Desk: 505.231.5645

Lauren.Hutchison@state.nm.us

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From: Mike lippert <mike.lippert@locallabs.com>
Sent: Tuesday, April 13, 2021 11:42 AM
To: Hutchison, Lauren, SOS <Lauren.Hutchison@state.nm.us>
Subject: [EXT] Re: New Mexico Voter Data Request

Hey Lauren,

Could you please let me know how to proceed?

We're looking for:

- statewide list of voters and voting history

Thanks a ton!

Best,

Mike

On Fri, Apr 9, 2021 at 1:27 PM Mike lippert <mike.lippert@locallabs.com> wrote:

Lauren,

Thanks for getting back to me.

I'm looking for the voter history file for the 2020 Presidential Election.

Thanks,

Mike

On Fri, Apr 9, 2021, 12:40 PM Hutchison, Lauren, SOS
<Lauren.Hutchison@state.nm.us> wrote:

Hi David,

I'll be taking care of your voter data request. First to clarify, which years did you want? Once I get this information, I'll be able to quote you on the cost of the records.

Thanks!

Lauren Hutchison | Compliance Officer

New Mexico Office of the Secretary of State

325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501

Desk: 505.231.5645

Lauren.Hutchison@state.nm.us

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**Voter Data Request Form**

Please select one of the following:

☒ Electronic File ☐ Printed List ☐ Mailing Labels**VOTER INFORMATION AUTHORIZATION****NOTE:** Minimum charge for any request is \$25.00**Please indicate the purpose of this request:**☐ Governmental Use☐ Campaign Use☒ Election Related**Please indicate the type of file that you are requesting:**☒ Statewide☐ District _____☐ County(s) _____☐ Other: _____**Please indicate all information that you are requesting:****NOTE:** All files come with registrant name, address (both physical and mailing), year of birth, party affiliation, precinct assignment, jurisdiction and registrant ID number. Any additional fields must be indicated below.☒ Districts

(all districts associated with a voter)

☒ Voting History

(elections a voter has participated in)

☒ Method Voted

(i.e. absentee, early or Election Day)

☐ Other*: _____

*If you request information that is not available in the voter system you will be notified before request is fulfilled.

Information of RequestorName: David Michael Lippert Organization: Local LabsAddress: 1611 Melrose Ave., St. Louis Park, MN 55426 Phone: (952) 905 - 8078Email Address: mike.lippert@locallabs.com Date: 03 / 29 / 2021**Authorization**

Unlawful use of the information requested on this form shall consist of willful selling, loaning, providing access to or otherwise surrendering, duplicating or alteration of information as stated in the Voter Records System Act (§1-5-1 through 1-5-31 NMSA 1978).

I hereby swear that the requestor will not use or make available to others to use the requested material for purposes other than governmental, election, research and campaign purposes under penalty of law.

Signature of Requestor**EXHIBIT B****For Office Use Only**

Total Cost: \$ _____ Date Received: _____ / _____ / _____ Date Completed: _____ / _____ / _____

Comments: _____ Receipt Number: _____



[RETURN to SEARCH](#)

Home > Registered Voters > New Mexico > Bernalillo > ALBUQUERQUE
> LAUREN NICOLE HUTCHISON

LAUREN NICOLE HUTCHISON

Registration Address

1210 TIJERAS NE AVE, ALBUQUERQUE, New Mexico 87106

Registration Date

April 7, 2021

Birthdate

1996

Party Affiliation

Democratic Party

Registration Status

Active

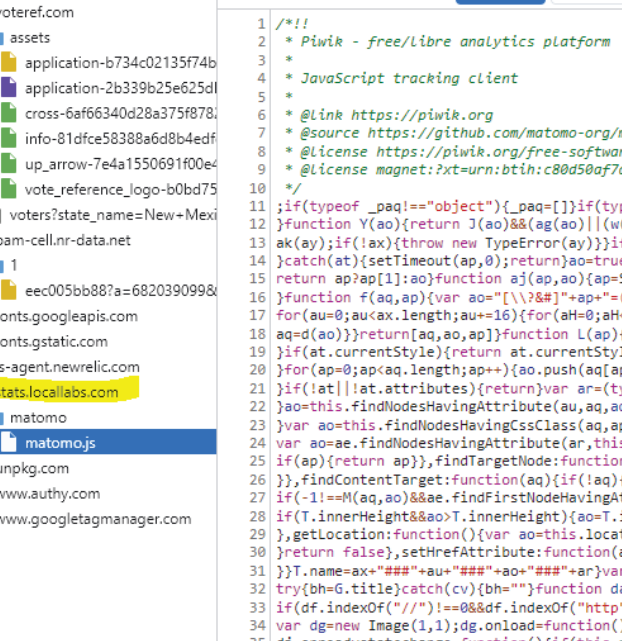
Precinct

214.1

All data from New Mexico Secretary of State

Voter

[New Search...](#)



The image shows a web browser interface with a file explorer on the left and a minified JavaScript file on the right.

File Explorer (Left):

- Root: `Page` | `Filesystem` >>
- Directory: `voteref.com`
 - Directory: `assets`
 - File: `application-b734c02135f74b`
 - File: `application-2b339b25e625d1`
 - File: `cross-6af66340d28a375f878`
 - File: `info-81dfce5838a6d8b4edf`
 - File: `up_arrow-7e4a1505691f00e4`
 - File: `vote_reference_logo-b0bd75`
 - File: `voters?state_name=New+Mexico`
 - Directory: `bam-cell.nr-data.net`
 - Directory: `1`
 - File: `eec005b88? a=682039099&`
 - File: `fonts.googleapis.com`
 - File: `fonts.gstatic.com`
 - File: `js-agent.newrelic.com`
 - File: `stats.locallabs.com`
 - Directory: `matomo`
 - File: `matomo.js`
 - File: `unpkg.com`
 - File: `www.authy.com`
 - File: `www.googletagmanager.com`

Minified JavaScript File (Right):

1 `/*!`
2 `* Piwik - free/libre analytics platform`
3 `*`
4 `* JavaScript tracking client`
5 `*`
6 `* @link https://piwik.org`
7 `* @source https://github.com/matomo-org/matomo/blob`
8 `* @license https://piwik.org/free-software/bSD/ BSD`
9 `* @license magnet:?xt=urn:btih:c80d50a7f3dad9b6e6a4`
10 `*/`
11 `;(function _paq=[]){(function(window`
12 `){function Y(ao){return J(ao)&&(ao[1]?(w(ao)&&ao.1e`
13 `ak(ao);if(!ax){throw new TypeError(ao)};if(aw=="add`
14 `)catch(at){setTimeout(ap,0);return ao=true;ar()}();`
15 `return ap;ap[1]:ao;function aj(ao,ao){ao:String(ap`
16 `)function f(aq,ap){var au="[/\\?&#]"+"*"+="[('&#";v`
17 `for(au=0;au<aq.length;au+=16){for(aH=0;aH<16;aH++:`
18 `aq+=do(ao)}return[aq,ao,ap]}function L(ap){var ao=ap`
19 `};if(at.currentStyle){return at.currentStyle[au]}fun`
20 `for(ap=0;ap<aq.length;ap++){ao.push(aq[ap]);return`
21 `};if(!at[!at.attributes]){return}var ar=(typeof at.at`
22 `ao=this.findNodesHavingAttribute(au,aq,ao);return a`
23 `var ao=this.findNodesHavingCSSClass(aq,ao);if(ao&&a`
24 `var ao=aae.findNodesHavingAttribute(ar,this.CONTENT_A`
25 `if(ap){return ap};findTargetNode:function(ao){var a`
26 `};findContentTarget:function(ao){if(!a){return}var`
27 `if(!-1==H(aq,ao)&&ae.findFirstNodeHavingAttributeWit`
28 `if(T.innerHeight&&ao.T.innerHeight){ao=T.innerHeight`
29 `};getLocation:function(){var ao=this.location[!T.loc`
30 `return false};setHrefAttribute:function(ap,ao){if(!`
31 `};T.name=ax+"###"+au+"###"+ao+"###"+ar;var aw=T.n`
32 `try{bh=G.title}catch(cv){bh="">function da(dl,dj,d1,`
33 `if(dj.indexOf("//")!=0&&df.indexOf("http")!>0){if(`
34 `var dg=new Image(1,1);dg.onload=function(){E=0;if(ty`
35 `dj.onreadystatechange=function(){if(this.readyState>`
36 `function ay(){if(c9()){b0()}bH()}function dc(){if(a`
37 `c0(d,null,false);cd(df));}function a5(df){return b4`
38 `if(A(T.GearsFactory)){c4.gears="1"}c4.cookie=b2();v`
39 `if(dj.length===32&&dh.test(dj)){var dg=dj.substr(16,`
40 `if(d1.length){try{df=T.JSON.parse(df);if(w(df)){ret`